

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ORLANDO DEMETRIUS MITCHELL,

Plaintiff,

Case No. 2:23-cv-14

v.

Honorable Paul L. Maloney

FRANK LAMARCA et al.,

Defendants.

/

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the Kinross Correctional Facility (KCF) in Kincheloe, Chippewa County, Michigan, though the events giving rise to Plaintiff's action occurred at the St. Louis Correctional Facility (SLF) in St. Louis, Gratiot County, Michigan, as well as the Henry Ford Allegiance Hospital in Jackson, Michigan. Plaintiff sues Dr. Frank Lamarca, the Henry Ford Allegiance Hospital itself, and the medical staff at SLF. In his *pro se* complaint, Plaintiff alleges that Defendants did not provide adequate medical care for a lump that Plaintiff discovered on his lower back.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1331(b). The events underlying the complaint occurred in Jackson and Gratiot Counties. Defendants are individuals serving in Jackson and Gratiot Counties, and they "reside" in those counties for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1973).

1972). Jackson and Gratiot Counties are within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not decided Plaintiff's motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

Dated: February 6, 2023

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge